**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO.2593 OF 2007**

Shri Ashok Baburao Pawar : Petitioner

versus

Shri Sham Vishnupant Gujrar : Respondent

Mr.Sandeep S. Salunkhe for the Petitioner

**CORAM : A.P.DESHPANDE, J.**

**DATED : SEPTEMBER 27, 2007.**

**P.C.**

1. By the present petition the defendant questions legality and validity of the order passed by the trial Court dated 14th November 2006, whereunder the plaintiff's application for recalling him to depose has been allowed. The plaintiff has instituted the suit for eviction and possession against the tenant. Before

instituting the suit the plaintiff has issued a notice and, the notice so also the reply sent by the defendant has been placed on record of the trial Court. However, because of inadvertent mistake the notice and the reply have not been proved. Realising the mistake an application came to be moved by the plaintiff making prayer for recall of the witness with a view to prove the contents of the said documents.

2. The trial Court being of the view that allowing the said application would in furtherance of the cause of justice had allowed the same. Perused the impugned order. Same does not call for any interference. Hence the Writ Petition is summarily dismissed.

**[A.P.DESHPANDE,J]**